



CenturyLink™

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Via ECFS

October 20, 2017

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *In the Matter of Accelerating Wireline Broadband Deployment by
Removing Barriers to Infrastructure Investment, WC Docket No. 17-84*

Dear Ms. Dortch:

On October 18, 2017, Craig Brown, Steve Miller, Jason Rogers, Glenda Weibel, Troy Wilson, and the undersigned, all of CenturyLink, spoke with the following Commission staff via conference call: Susan Barr, Eliot Greenwald, and Karen Strauss of the Consumer and Governmental Affairs Bureau, and Michelle Berlove, Terri Natoli, and John Visclosky of the Wireline Competition Bureau.

The purpose of the meeting was to discuss potential changes to the Commission's copper retirement and Section 214 discontinuance rules in the above-captioned docket.¹ CenturyLink's remarks were consistent with the comments and reply comments it filed in this docket. Each of the individuals listed above attended the first part of the meeting, which focused primarily on the compatibility of TTY and other customer premises equipment (CPE) with CenturyLink's managed business VoIP service. In discussing TTY compatibility and related network issues, CenturyLink presented three engineering executives: Mr. Wilson (Principal Architect, Voice Infrastructure Design), Mr. Miller (Senior Lead Architect, Transport Test and Certification), and Mr. Rogers (Manager - Quality Assurance and Testing, Transport Test and Certification). In the second part of the meeting, Mr. Brown (Senior Associate General Counsel), Ms. Weibel (Federal Regulatory Manager), and Mr. Benedict spoke with the Wireline Competition Bureau staff noted above about certain proposals to streamline the Commission's Section 214 discontinuance and copper retirement rules.

¹ See *In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Notice of Proposed Rulemaking, 32 FCC Rcd 3266 (2017) (*Notice*).

Compatibility of TTY and Other CPE with Managed VoIP Services

CenturyLink understands the importance of telecommunications access for the disabled and hard-of-hearing. Our managed VoIP services have been designed and tested to ensure legacy TTY device compatibility.

In recent filings, some parties have asserted that TTY equipment and captioned telephones will not work reliably over some IP networks.² On the call, CenturyLink explained those claims are contrary to CenturyLink's experience. CenturyLink provides managed VoIP service to business customers associated with millions of telephone numbers nationwide.³ That service is offered to major private and public enterprise customers, including the federal government, who expect and demand that the service meet all applicable disability requirements. While TTY may be thought of as primarily a consumer service, it is a business service too. TTY customers call businesses, either directly or through a TTY operator, so it is imperative that TTY work reliably with business VoIP services. In addition to having a legal obligation to make its services accessible, it has a business mandate to do so, in order to remain competitive with other providers of enterprise services.

Before launching its business VoIP service, CenturyLink confirmed through testing that TTY is compatible with that service. As noted in the meeting, that testing included real world TTY-to-TTY calls – calls to and from a TTY operator – and not merely lab testing. CenturyLink's VoIP testing also has never been a one-time event. Before releasing periodic software updates for its business VoIP service, CenturyLink repeats its testing to ensure that TTY still works consistently and reliably with its service.

CenturyLink has in place a technical support organization to address any problems that arise with its business VoIP service, including any legacy device compatibility issues. Although any communications service can incur occasional service quality anomalies – including for reasons beyond the provider's control – CenturyLink is not aware of any systemic problems or complaints with the reliability of TTY with its business VoIP service.

CenturyLink also explained that it has worked proactively with certain business customers to ensure compatibility with their legacy CPE. In just one example, CenturyLink's technical support organization worked closely with a particular business customer that relies heavily on fax machines to establish that this equipment would work properly on CenturyLink's business VoIP service. The customer subsequently confirmed to CenturyLink that its fax

² Letter from Deaf/Hard of Hearing Technology RERC, Universal Interfaces and IT Access RERC, to Marlene Dortch, FCC, WC Docket No. 17-84 (Oct. 12, 2017); Letter from Kevin Colwell, Ultratec, Inc., to Marlene Dortch, FCC, WC Docket No. 17-84 (Oct. 13, 2017).

³ CenturyLink noted that it is not yet marketing a VoIP service for residential customers. Its consumer VoIP product is still in development.

machines performed just as reliably with CenturyLink's VoIP service as over the TDM voice service it replaced.⁴

CenturyLink also is confident that its business VoIP service is compatible with analog captioned telephones, because those telephones use the same modem and data rates as fax machines. Based on a lack of customer complaints, CenturyLink believes there would be no systemic problems with customers using captioned telephones with CenturyLink's business VoIP service.

As discussed in the meeting, equipment such as TTYs and analog captioned telephones are at best transitional technologies that, in time, will be replaced by Real-Time Texting and other more capable equipment and applications specifically designed for IP networks. Given that the vast majority of customers have already migrated from ILECs' legacy TDM services, equipment manufacturers have every incentive to design and offer IP-based replacements for TDM-designed CPE and are readily doing so.⁵

The submissions expressing concerns about the performance and reliability of TTY and analog captioned telephones over certain VoIP services lack sufficient detail for CenturyLink to comment on their validity. However, we explained that their stated concerns are not consistent with CenturyLink's experience with its own business VoIP service. Based on those parties' summary descriptions, CenturyLink can only presume that their criticisms may arise from the use of these devices with over-the-top VoIP services lacking Quality of Service guarantees, rather than a managed VoIP service, such as CenturyLink's business VoIP service and the business and consumer VoIP services already widely offered by other telco and cable companies across the nation.

CenturyLink recognizes that some parties may be worried about potential impacts of IP technological transition on some of the country's disabled or disadvantaged communities. Nonetheless, the Commission should not allow vague allegations and concerns – however well-intentioned – about the performance of legacy TDM-based CPE on certain networks to delay the many benefits to consumers and the economy of the ongoing migration to next-generation networks and services. On the contrary, the transition to IP networks will ultimately deliver greater capabilities and lower costs for all Americans, including those living with disabilities.

Streamlining the Section 214 Discontinuance and Copper Retirement Processes

CenturyLink expressed wholehearted support for the Commission's proposals to expedite and streamline the Section 214 and copper retirement processes. The migration to next-generation facilities and services is both natural and desirable. The Commission therefore should eliminate prior approval requirements where possible and streamline those that remain.

⁴ CenturyLink's business VoIP service uses uncompressed G.711 encoding, which is necessary for modems to work properly.

⁵ See Comments of CenturyLink, WC Docket No. 17-84, at 47 (June 15, 2017) (CenturyLink Initial Comments).

For certain requirements, CenturyLink believes that forbearance provides the most straightforward approach to modernize the Commission's rules – some of which are rooted in the 1930s – to reflect today's marketplace realities, promote large-scale network investment, and accommodate the migration to next-generation networks and services. To the extent necessary, for example, the Commission should forbear from the need for Commission approval to discontinue a service that has no subscribers. For such discontinuances, the Commission should require at most a notice filing, regardless of the current language in Section 214.⁶ Yet if the Commission elects not to exercise full forbearance immediately for whatever reason, there still are meaningful steps it can take to incrementally streamline the Section 214 and copper retirement processes during the interim.

CenturyLink particularly noted its support for the Commission's proposals to streamline the processes for grandfathering services and subsequently discontinuing those services.⁷ Providers customarily grandfather services that have become obsolete and effectively replaced by newer services. It is critical that providers be able easily to stop selling such products when they have reached this last stage in their life cycle, so that the provider can focus on newer services and streamline its processes and systems.

CenturyLink typically grandfathers a service as a first step to discontinuing that service and to provide customers extended time to transition to newer services. The company tries to do this in a customer-friendly manner, so as to maintain good will and increase the chances the customer will transition to another CenturyLink service, rather than switching to an alternative provider. When notifying customers of its intention to grandfather a service, CenturyLink generally also informs the customers of its intention ultimately to discontinue the service, again to maintain the customers' good will and maximize their time to accommodate the service's eventual discontinuance. Once a service is grandfathered, customers are permitted to continue to order the service until the expiration of their contract term.

Because their existing services are not affected, grandfathering has less of an impact on customers than a service discontinuance. Such grandfathering also gives customers additional time to accommodate the eventual discontinuance of the grandfathered service, as noted. Given these circumstances, shorter comment and auto-grant periods are warranted for the grandfathering of services and discontinuance of grandfathered services. And since these same considerations apply equally to any service, the Commission should apply these streamlined rules to all services being grandfathered, including DS1s and DS3s.

For services with no customers, the Commission should, at a minimum, shorten the timeframe that a carrier must demonstrate that it had no customers to 60 days, as proposed in the *Notice*, or even shorter. Ultimately, no application should be required at all, but, on an interim basis, the Commission should at least shorten these timelines.

⁶ See *id.* at 45.

⁷ *Notice* at ¶¶ 73-89.

CenturyLink noted that the Commission can also expedite the IP migration and facilitate network investment by identifying services that have been adopted by a significant percentage of the population and therefore constitute reasonable alternatives to legacy TDM services, and by then establishing streamlined processing of applications that certify that affected customers will have access to at least one of these alternatives, whether offered by the applicant or a third party.⁸

In addition to adopting these streamlining proposals, the Commission should abandon the “functional test” standard for determining when Section 214(a) applies, find that the Section 214(a) process does not apply to wholesale services, and establish commonsense notice requirements.⁹

With respect to the copper retirement and network disclosure process, CenturyLink believes that the Commission should eliminate Section 51.332 of its rules. In particular, the Commission should return to a 90-day notice period (from the date on which the application is filed). As CenturyLink has explained, 180 days is simply too long to accommodate some network upgrades, especially given the short construction season in many parts of the country.¹⁰ The Commission should also limit its notice requirements to telephone exchange service providers that directly interconnect with the ILEC’s network and repeal Section 51.325(c).

The burden of regulatory costs and delays is particularly heavy on our industry. CenturyLink explained that, while those regulatory costs be difficult to quantify in individual instances, in aggregate they do genuinely add up, as the June 2017 Corning study amply demonstrated.¹¹ The Commission should strive to reduce outdated and unnecessary regulatory burdens and strive to accelerate broadband infrastructure investment.

Please contact me if you have further questions.

Sincerely,

/s/ John E. Benedict

cc: Via Email

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⁸ See CenturyLink Initial Comments at 44.

⁹ See *id.* at 45-49.

¹⁰ *Id.* at 28-29.

¹¹ See Comments of Corning Inc., WC Docket No. 17-84 (June 15, 2017), Attachment A, Hal Singer, Economists Incorporated, *Assessing the Impact of Removing Regulatory Barriers on Next Generation Wireless and Wireline Broadband Infrastructure Investment* (June 2017).